

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MAGGIE THOMAS,

Plaintiff,

v.

JAMES HINES, individually and
in his official capacity and
CITY OF ATLANTA,

Defendants.

Civil Action

File No.: 1:22-cv-04417-SDG

PLAINTIFF’S MOTION TO REMAND TO STATE COURT

COMES NOW Plaintiff, Maggie Thomas, by and through the undersigned counsel hereby moves this Court to remand the above-captioned case to the Fulton State Court, pursuant to **28 U.S.C. § 1447(c)** and in support thereof, states as follows:

I. INTRODUCTION

This motion is filed following the Court’s Order [ECF [15](#)] entered on August 8, 2023. The Court granted in part and denied in part The City's Motion to Dismiss [ECF [12](#)] is GRANTED in part and DENIED in part. All claims against

Hines in his official capacity, under **42 U.S.C. § 1983** claims against the City per Monell, and the punitive damages claim against the City are DISMISSED; only the claims against Hines in his personal capacity, the claims for assault and battery against the City, and the corresponding damages claims survive.

II. BACKGROUND

Plaintiff first filed suit in the State Court of Fulton County, Georgia on May 18, 2020. [ECF 5, at 4] The parties litigated the case through briefing on summary judgment. [ECF 12-1, at 2] the case was dismissed, and, on October 6, 2022, Plaintiff filed a renewal action in the same court. [ECF 1, ¶ 2]. Defendants removed the case on November 4, 2022. [ECF 1] On November 11, 2022, the City moved to dismiss the Complaint. [ECF 2] On November 24, 2022, Plaintiff filed a First Amended Complaint (FAC) [ECF 4]; accordingly, the City's November 11, 2022, motion to dismiss was **DENIED as moot** [ECF 2].

III. Legal Argument and Fact Application

The Federal Court is considered a Court of limited jurisdiction. The Court has jurisdiction over matters where there is diversity of citizenship and where the interpretation of the Federal Statute is in controversy. The instant case was removed from the State Court of Fulton County because of the Federal claims enumerated in the Plaintiffs complaint. After the Courts order on the City Defendants' Motion to Dismiss, the Federal claims stood dismissed. Said dismissal thereby divests this

Court of its subject matter jurisdiction making remand back to the State Court appropriate. Therefore, it is both appropriate and proper to remand this case back to the State Court for further proceedings.

IV. CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that this Court grant its Motion to Remand Back to State Court and return the above-captioned case to the Fulton County State Court, State of Georgia.

This 19th day of October 2023.

Respectfully submitted,

/s/ Robbin Shipp

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2023, I served a true and correct copy of
PLAINTIFF'S MOTION TO REMAND CASE BACK TO FULTON STATE
COURT upon opposing counsel listed below via this Court's CM/ECF system.

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Respectfully submitted,

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